

about April 10, 1930, and had been transported from the State of Ohio into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base containing volatile oils including camphor, menthol, pine needle oil, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "A scientifically developed ointment to relieve * * * Catarrh * * * Respiratory and Surface Inflammation and Congestion. * * * To relieve Congestion and Inflammation of the Respiratory Organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * Hay Fever. * * * Sore Throat, * * * Whooping Cough, Catarrh, Asthma and Hay Fever. * * * as a Liniment or Dressing * * * Headache;" (carton) "A scientifically developed ointment to relieve colds, to arrest their development and prevent complications and serious consequences * * * To Relieve Congestion and Inflammation of the Respiratory Organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * Hay Fever;" (circular) "Keep Them Healthy. A Scientific Developed Ointment to Relieve Colds, to Arrest Their Progress and Prevent Complications and Serious Consequences. Use Ointrex to Check * * * Croup * * * Coughs * * * Whooping Cough * * * Headaches * * * Asthma * * * Nasal Catarrh * * * Directions for Using and Applying Ointrex. Congestion or Inflammation of the Air Ducts. * * * Ointrex. It lubricates and holds within, inhalents that relieve the nasal passage and prevent the formation of excessive mucus to carry infection to the throat, lungs and stomach. * * * Those susceptible * * * who suffer from nasal catarrh will do well to make this simple test of Ointrex. In no more than five minutes it will demonstrate its healing and protective virtues. * * * Ointrex used in this manner as a preventative and relief * * * for nasal catarrh * * * Neglected colds cause tens of thousands of deaths every year."

On December 2, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18508. Misbranding of Vernas. U. S. v. 13 Medium-Sized Bottles, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25804. I. S. Nos. 15883, 15884, 15885. S. No. 4017.)

Examination of a drug product, known as Vernas, from the shipment herein described showed that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was an antiseptic, whereas it was not.

On January 28, 1931, the United States attorney for the northern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 medium-sized bottles, 15 large-sized bottles, and 76 small-sized bottles of Vernas at Utica, N. Y., alleging that the article had been shipped by the Vernas Chemical Co., Paterson, N. J., on or about September 9, 1929, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of zinc chloride, glycerin, alcohol (23.2 per cent by volume), and water flavored with cinnamon oil and peppermint oil. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels were false and misleading: (Large and small cartons) "Antiseptic * * * as a douche for Feminine Hygiene;" (medium-sized cartons) "Antiseptic * * * Effective * * * for Feminine Hygiene." It was further alleged in the libel that certain additional statements appearing on the carton and bottle labels and in the accompanying circular, were false and misleading. These statements, which follow, related to the curative and therapeutic effects of the article, and in the report to the

United States attorney this department recommended that the charge be brought in the libel that they were false and fraudulent: (Large and small cartons) "Prophylactic * * * Sore Throat * * * for Spongy or Bleeding Gums;" (middle-sized cartons) "Promotes Nose and Throat Health * * * Strengthens Spongy Bleeding Gums * * * Sores * * * Prophylactic;" (all bottles) "Bleeding gums * * * Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) * * * Prophylactic;" (circulars accompanying all sizes) "Imbedded germ colonies can not escape the New Vernas. It goes deep down to destroy these disease breeding spots which are constantly forming. * * * stimulates your enzymes * * * tones your tissues * * * to fight sore throat * * * For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diphtheria. * * * The New Vernas should be used as a gargle, * * * For Bleeding Gums, and Mouth Infections."

On April 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18509. Misbranding of Po-Me-Ka. U. S. v. 22 Jars of Po-Me-Ka. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23582. I. S. No. 03433. S. No. 1794.)

Examination of a sample of a drug product, known as Po-Me-Ka, from the shipment herein described having shown that the carton and jar labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the district of Maryland.

On April 4, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 jars of Po-Me-Ka, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Rex Chemical Co. (Inc.), from Waynesboro, Pa., on or about January 18, 1929, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an oil with a stearic acid base containing boric acid, a compound of potassium, phenol, glycerin, and volatile oils including menthol, camphor, and pine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Penetrating * * * Influenza and Pneumonia. Rub Po-Me-Ka well in nostrils, over throat and chest, behind ears, between shoulder-blades inhaling vapors freely * * * Coughs, Croup, Sore Throat, Tonsillitis, Etc. * * * Catarrh, Hay Fever, Asthma;" (carton) "Penetrating * * * For Influenza, Pneumonia, Coughs, Croup, Sore Throat, Tonsillitis, Bronchitis, * * * Asthma, Catarrh, Hay Fever * * * Piles * * * for * * * Sores * * * Aching Feet, * * * Bunions, Etc. * * * Rubbed on the skin, Po-Me-Ka penetrates instantly * * * bringing quick relief. By inhaling its medicated vapors, Po-Me-Ka acts directly on the congestion and inflammation of the nose, throat, and lungs * * * relieving * * * and makes breathing easier;" (circular) "The Scientific Vapor Treatment. * * * Bites * * * Penetrating * * * Aching Feet, Lameness, Rheumatism * * * Apply Po-Me-Ka * * * aching feet * * * For lameness, rheumatism * * * apply to parts affected * * * Asthma, Catarrh and Hay Fever * * * Wounds * * * Influenza and Pneumonia. Apply Po-Me-Ka freely to chest, between shoulder blades and behind the ears. * * * inhale the vapors deeply * * * Po-Me-Ka penetrates and relieves congestion. * * * Coughs * * * Sore Throat. Rub Po-Me-Ka on the chest, throat and back of the ears. Difficult breathing may be relieved by applying Po-Me-Ka to the chest. * * * This treatment * * * beneficial to babies and children."

On July 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*